

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TAMMY S HOWARD
Claimant

APPEAL NO. 12A-UI- 11921-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP
Employer

OC: 09/09/12
Claimant: Respondent (4)

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated September 26, 2012, reference 01, that concluded claimant voluntarily quit employment with good cause. A telephone hearing was held on October 30, 2012. The claimant participated in the hearing. Shauna Schroeder participated on behalf of the employer with a witness, Randy Mulder.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a security guard from April 1, 2008, to August 4, 2012. The claimant voluntarily left employment on August 4, 2012, to accept a job with working as a painter for her brother-in-law. After quitting her job, the employment with her brother-in-law fell through and the claimant filed for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

871 IAC 24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

The claimant left work to accept an offer of other employment but the employment fell through. Although the claimant described the job as working as a “subcontractor” it appears that this was not a genuine self-employment situation—if it was, the claimant would have had a business to work in independent from her brother-in-law. The claimant is qualified to receive unemployment insurance benefits based on her separation from employment with the employer, provided she is otherwise eligible. Pursuant to Section 96.5-1-a, the employer’s account will not be charged for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated September 26, 2012, reference 01, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer’s account will be exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css